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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/702,092	11/06/2003	Tatsuo Miyaji	040894-5974	8022
9629	7590	04/26/2006	EXAMINER	
MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004			GLEITZ, RYAN M	
			ART UNIT	PAPER NUMBER
			2852	

DATE MAILED: 04/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/702,092

Applicant(s)

MIYAJI ET AL.

Examiner

Ryan Gleitz

Art Unit

2852

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 8,9 and 13-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 10-12 and 18 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 29 March 2006 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Applicant's Admitted Prior Art (Admission).

Admission discloses in pages 1-3 of the Specification that conventional image forming apparatus including an image forming portion (202), a sheet storing portion (201) including a tray (210) that stores a stack of recording sheets. The tray (210) is movable in a direction horizontal away from the apparatus. That direction reads on any of two direction substantially orthogonal to each other. The transport path is accessible through a plurality of openable covers. See figure 22; page 2, line 20 - page 3, line 5.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Ishihara (JP 03-079519).

Ishihara discloses an image forming portion in figure 2, a sheet storing portion including a tray (4) that stores a stack of recording sheets. The tray (4) is movable in both of two directions relative to the main body of the image forming apparatus that are orthogonal to each other, as shown in figures 7 and 9. A transport path shown in figure 6 transports the recording sheets from the storing portion to the image forming portion, near a front of the image forming apparatus.

Doors (8), door (12), and door (13) are a plurality of openable covers on a front side wall and at least part of the transport path is exposed by opening at least one of the openable covers, as shown by figure 9.

Claims 1-5, 11 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Ohashi (JP 06-247569).

Ohashi discloses an image forming apparatus including an image forming portion (103) configured to form a visible image on a recording sheet; and a sheet storing portion (1100) configured to store a plurality of recording sheets and sequentially feed recording sheets to the image forming portion (103).

A sheet tray (1050) storing a stack of recording sheets is provided in the sheet storing portion such that the sheet tray is movable in the horizontal direction relative to the main body of the apparatus. Figures 1 and 11 show that the tray can be drawn from the two direction (abstract, line 18), which reads on the sheet tray is movable in any of two directions substantially orthogonal to each other.

An openable cover is shown in figure 1 (no reference numeral is assigned, but the cover is similar to that shown by 111 in figures 25 and 26), which exposes a part of a transport path of

Art Unit: 2852

the recording sheets. The other two sheet trays not previously relied upon read on additional openable covers on the same wall as cover (111) that also expose at least a part of the transport path.

Regarding claim 2, figure 2 shows a sheet tray (1082) is provided in a tray pullout frame that is movable in one direction relative to the main body of the apparatus; and the sheet tray (1082) is movable in a direction, in the direction of reference numeral 61, substantially orthogonal to the direction in which the pullout frame is pulled out relative to the main body of the apparatus.

Regarding claim 3, figure 2 also shows handle units in each direction, coupled with the sheet tray and is movable in the horizontal direction. When the tray pullout frame is pulled out, the sheet tray and the handle unit are disengaged.

Regarding claim 4, the sheet tray (1082) is movable in both directions.

Regarding claim 5, the apparatus of figures 1 and 2 must include a transport path similar to that of figure 27, which illustrates a transport path that transports recording sheets sequentially fed from the sheet storing portion to the image forming portion, wherein: a plurality of the sheet trays and tray pullout frames are both placed on each other in the vertical direction, and the direction in which the tray pullout frame is pulled out coincides with the direction in which the recording sheets are fed; and the transport path is provided so that a recording sheet fed from one sheet tray is penetrated through the tray pullout frames storing the other trays in the vertical direction.

Regarding claims 11 and 18, inner tray (1062) moves in direction B, and it moves in direction A while inside outer tray (1061). Therefore inner tray (1062) moves in two direction

Art Unit: 2852

substantially orthogonal to each other. Alternatively, figure 4 shows a tray (64) that is movable in at least three directions substantially orthogonal to each other.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1-5, 11 and 18 rejected under 35 U.S.C. 103(a) as being unpatentable over Ohashi (JP 06-247569).

Ohashi discloses an image forming apparatus including an image forming portion (103) configured to form a visible image on a recording sheet; and a sheet storing portion (1100) configured to store a plurality of recording sheets and sequentially feed recording sheets to the image forming portion (103).

A sheet tray (1050) storing a stack of recording sheets is provided in the sheet storing portion such that the sheet tray is movable in the horizontal direction relative to the main body of the apparatus. Figures 1 and 11 show that the tray can be drawn from the two direction (abstract, line 18), which reads on the sheet tray is movable in any of two directions substantially orthogonal to each other.

Regarding claim 2, figure 2 shows a sheet tray (1082) is provided in a tray pullout frame that is movable in one direction relative to the main body of the apparatus; and the sheet tray (1082) is movable in a direction, in the direction of reference numeral 61, substantially

Art Unit: 2852

orthogonal to the direction in which the pullout frame is pulled out relative to the main body of the apparatus.

Regarding claim 3, figure 2 also shows handle units in each direction, coupled with the sheet tray and is movable in the horizontal direction. When the tray pullout frame is pulled out, the sheet tray and the handle unit are disengaged.

Regarding claim 4, the sheet tray (1082) is movable in both directions.

Regarding claim 5, the apparatus of figures 1 and 2 must include a transport path similar to that of figure 27, which illustrates a transport path that transports recording sheets sequentially fed from the sheet storing portion to the image forming portion, wherein: a plurality of the sheet trays and tray pullout frames are both placed on each other in the vertical direction, and the direction in which the tray pullout frame is pulled out coincides with the direction in which the recording sheets are fed; and the transport path is provided so that a recording sheet fed from one sheet tray is penetrated through the tray pullout frames storing the other trays in the vertical direction.

Regarding claims 11 and 18, inner tray (1062) moves in direction B, and it moves in direction A while inside outer tray (1061). Therefore inner tray (1062) moves in two direction substantially orthogonal to each other. Alternatively, figure 11 shows a tray (64) that is movable in at least three directions substantially orthogonal to each other.

While the rectangle in figure 1 appears to be an openable cover, an alternative interpretation of the reference could conclude that no openable cover is disclosed in the device shown in figure 1.

However, figures 26 and 27 show a manual access part (111), which reads on a cover.

Art Unit: 2852

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the cover of figures 26 and 27 to the device shown in figure 1 of Ohashi so that the user can manual enter sheets into the machine without the need to load the tray for small jobs requiring colored or special paper, for example.

Claim 1-5, 11 and 18 rejected under 35 U.S.C. 103(a) as being unpatentable over Ohashi (JP 06-247569) in view of Admission.

Ohashi discloses an image forming apparatus including an image forming portion (103) configured to form a visible image on a recording sheet; and a sheet storing portion (1100) configured to store a plurality of recording sheets and sequentially feed recording sheets to the image forming portion (103).

A sheet tray (1050) storing a stack of recording sheets is provided in the sheet storing portion such that the sheet tray is movable in the horizontal direction relative to the main body of the apparatus. Figures 1 and 11 show that the tray can be drawn from the two direction (abstract, line 18), which reads on the sheet tray is movable in any of two directions substantially orthogonal to each other.

Regarding claim 2, figure 2 shows a sheet tray (1082) is provided in a tray pullout frame that is movable in one direction relative to the main body of the apparatus; and the sheet tray (1082) is movable in a direction, in the direction of reference numeral 61, substantially orthogonal to the direction in which the pullout frame is pulled out relative to the main body of the apparatus.

Art Unit: 2852

Regarding claim 3, figure 2 also shows handle units in each direction, coupled with the sheet tray and is movable in the horizontal direction. When the tray pullout frame is pulled out, the sheet tray and the handle unit are disengaged.

Regarding claim 4, the sheet tray (1082) is movable in both directions.

Regarding claim 5, the apparatus of figures 1 and 2 must include a transport path similar to that of figure 27, which illustrates a transport path that transports recording sheets sequentially fed from the sheet storing portion to the image forming portion, wherein: a plurality of the sheet trays and tray pullout frames are both placed on each other in the vertical direction, and the direction in which the tray pullout frame is pulled out coincides with the direction in which the recording sheets are fed; and the transport path is provided so that a recording sheet fed from one sheet tray is penetrated through the tray pullout frames storing the other trays in the vertical direction.

Regarding claims 11 and 18, inner tray (1062) moves in direction B, and it moves in direction A while inside outer tray (1061). Therefore inner tray (1062) moves in two direction substantially orthogonal to each other. Alternatively, figure 4 shows a tray (64) that is movable in at least three directions substantially orthogonal to each other.

While the rectangle in figure 1 appears to be an openable cover, at alternative interpretation of the reference could conclude that no openable cover is disclosed in the device shown in figure 1.

However, Admission discloses a plurality of covers shown in figure 22.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to Modify Ohashi with the covers of Admission so that the user can manual enter

Art Unit: 2852

sheets into the machine without the need to load the tray for small jobs requiring colored or special paper, for example, or so that jammed paper can easily be removed.

Claims 6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohashi (JP 06-247569) in view of Ishihara (JP 03-079519).

Ohashi discloses the image forming apparatus above, but does not disclose that the front of the tray pullout frame is openable.

However, Ishihara disclose a similar image forming device including a door (8) that opens to expose the transport path in the direction the pullout frame is pulled out.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the pullout frame of Ohashi to be openable based on the teaching of Ishihara to include an opening door in the direction the frame is pulled out so that jammed paper can be removed with ease. See abstract.

Claims 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ohashi (JP 06-247569) in view of Ishio et al. (JP 2000-122362).

Ohashi discloses the image forming apparatus above including an operation panel as shown by figure 1, but does not disclose that the direction of the operation unit is settable.

However, Ishio et al. disclose an image forming device in which operation panel board (6) is made changeable in the direction about perpendicular axis O, which is selectable among a plurality of directions. See abstract.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the image forming apparatus of Ohashi with the operation panel board

taught by Ishio et al. to enhance the operability of the image forming device by improving its structure provided with an operation body and display of an image forming device. Abstract, lines 1-3.

Allowable Subject Matter

Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed 29 March 2006 ("Response") have been fully considered but they are not persuasive.

Regarding the rejection of claim 1 as being anticipated by APA, Applicant submits that APA includes a openable covers on the lateral side and not the front side as claimed. Response, p. 9. This argument is not persuasive because the lateral side is a front side, depending on the orientation of the machine and the perspective of the viewer. In order to read the proposed meaning of "front side" into the claim applicant must relate the orientation of the front side to some other part in a claim limitation.

Regarding the rejection of claim 1 as being anticipated by APA, Applicant also submits that APA does not teach "at least one sheet tray that stores a stack of recording sheets and is horizontally movable in any of two directions relative to a main body of the image forming apparatus, the two direction being substantially orthogonal to each other." Response, p. 9. Applicant attempts to construe this limitation into requiring that the tray be movable in two directions. Instead, the claim requires only that the tray be movable in one direction, and that one

Art Unit: 2852

direction is any of two orthogonal horizontal directions. The word any means “one, some, every, or all”. To remedy this situation Applicant need only remove the term “any of” from the claim. But it should also be noted that without this interpretation of claim 1, claim 2 would not further limit claim 1.

Regarding the rejection of claims 1-5, 11, and 18 as being anticipated by Ohashi, Applicant submits that Ohashi does not disclose a cover because part 111 is a manual paper feed portion. Response, p. 10. However, figures 26 and 27 show that the manual paper feed portion is accessed via a cover. The handle of the cover is even visible. It is unfortunate that the JPO machine translation of Ohashi is lacking detail, but the translation was not relied upon. The figures taken alone read on the invention as claimed.

Regarding the rejection of claims 1-5, 11, and 18 as being anticipated by Ohashi, Applicant also submits that Ohashi does not disclose the cover on a front wall. Response, p. 10. Again, this argument is not persuasive because depending on the orientation of the machine and the perspective of the viewer the side having cover 111 would be the front wall.

Regarding Ohashi, Applicant also submits that the trays (1060 and 1062) are separate trays that move in different directions. Response, p. 11. As discussed above, inner tray (1062) moves in direction B, and it moves in direction A while inside outer tray (1061). Therefore inner tray (1062) moves in two direction substantially orthogonal to each other. Alternatively, figure 11 shows a tray (64) that is movable in at least three directions substantially orthogonal to each other.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan Gleitz whose telephone number is (571) 272-2134. The examiner can normally be reached on Monday-Friday between 9:00AM and 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur Grimley can be reached on (571) 272-2136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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